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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,855	05/02/2001	David M. Pelland	104196.129	9193

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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,855

Applicant(s)

PELLAND ET AL.

Examiner

Vivek D. Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This Office Action is in response the "Amendment" and "Remarks" filed by the applicants on January 4, 2006. Claims 1-4, 6-9, and 12-17 are currently pending and have been examined in this application.

Claim Objections

2. Claim 14 is objected to because of the following informalities: In line 5 of Claim 14, there should be an "of" between "one" and "the." Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,945,988 to Williams in view of 6,175,772 to Kamiya.

As per claim 1, Williams teaches a method of adapting an electronic personal assistant to a subscriber for whom the electronic personal assistant provides services (Williams: abstract). Williams does not teach any of the other features of the claimed invention, however, these features are well known in the art as evidenced by Kamiya.

Kamiya teaches the steps of:

receiving data indicative of the subscriber via an interface (Kamiya: Col. 4, Ln. 7-14);

assigning a personality profile comprising a plurality of personality parameters to a subscriber in response to said step of receiving data (Kamiya: Col. 4, Ln. 7-14);

storing data indicative of a set of (initial) parameter values for the subscriber based on the default values for said personality profile (Kamiya: Col. 1, Ln. 45-68);

analyzing the interactions with the subscriber via the interface to generate data indicative of the interactions (Kamiya: Col. 5, Ln. 59-65);

monitoring interactions with the subscriber via the interface so as to generate data indicative on the interactions (Kamiya: Col. 4, Ln. 47-58);

processing the generated data so as to identify a fact of the subscriber's behavioral situation, said fact to be input to one or more predetermined rules (Kamiya: Col. 4, Ln. 48-58);

applying at least one of said predetermined rules to said fact to determine how said one or more values of said stored set of parameters is to be adjusted (Kamiya: Col. 4, Ln. 48-58 and Col.7, Ln. 32-65);

changing said one or more values of the stored set of parameters (Kamiya: Col. 6, Ln. 50-Col. 7, Ln. 25);

updating the stored subscriber profile for the new value (Kamiya: Col. 7, Ln. 3-25);

selecting one or more prompts based on the personality parameters as adjusted (Kamiya: Col. 8, Ln. 41-50 and Col. 9, Ln. 3-25);

and

providing the selected one or more prompt to the interface (Kamiya: Col. 9, Ln. 3-25).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Williams with the aforementioned features from Kamiya with

the motivation of producing a device highly responsive to the states of the user, as recited in Kamiya (Col. 1, Ln. 6-14).

(B) As per claim 6, the combined method of Williams in view of Kamiya teaches the step of defining the personality parameters to include personality traits (user preferences) (Kamiya: Col. 3, Ln. 59-67). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(C) As per claim 7, the combined method of Williams in view of Kamiya teaches that the personality traits are calmness (neutral), among other personality traits (Kamiya: Figure 8 and Col. 10, Ln. 4-61). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(D) As per claim 8, in combined method of Williams in view of Kamiya the personality traits are represented as one or more surface traits (user preferences) (Williams: Col. 15, Ln. 34-40). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(E) As per claim 9, in Williams in view of Kamiya the adjusting comprises:
modifying the values of the personality parameters according to the defined variation based on said fact of the subscriber's behavioral situation (Kamiya: Col. 10, Ln. 62-Col. 11, Ln. 21). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(F) As per claim 12, the method of Williams in view of Kamiya applies an artificial intelligence inference algorithm to the fact of the subscriber's behavioral situation (Kamiya: Col.

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7, Ln. 3-31). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(G) As per claim 13, in the method of Williams in view of Kamiya the variation associated with each personality comprises a range of the values, individual values within the range of values associated with unique voice prompts (Kamiya: Col. 2, Ln. 48-63 and Col. 4, Ln. 47-58). The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(H) As per claim 14, the method of Williams in view of Kamiya teaches the steps of:
selecting a new one of the personality parameter values based on the application of the artificial intelligence algorithms and the rules (Kamiya: Col. 7, Ln. 3-25); and
selecting one of the unique prompts associated with the selected new one of the personality parameter values (Kamiya: Col. 7, Ln. 3-25).

The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(I) As per claim 15, the method of Williams in view of Kamiya monitors the step of changing (Kamiya: Col. 7, Ln. 3-25); and provides additional values and associated unique prompts based on the monitoring (Kamiya: Col. 7, Ln. 3-25).

The motivation for making this modification of Williams is the same as that set forth in the rejection of Claim 1.

(J) As per claim 16-17, this claim repeats features previously addressed in the rejection of claims 1 and is rejected on the same basis.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Kamiya, as applied to Claim 1, above, and in further view of US Patent Number 6,345,954 to Traversat.

(A) As per claims 2-4, Williams in view of Kamiya do not teach that a value is assigned to each of the profiles with a default value being present and personality parameters varying from the default parameter, nor do Williams in view of Kamiya teach that each profile corresponds to a culture and the default value corresponds to a cultural norm associated with a culture.

Williams in view of Kamiya do teach the step of providing personality profiles (Kamiya: Abstract and Col. 1, Ln. 5-14 and Col. 3, Ln. 59-Col. 4, Ln. 5). Williams and Kamiya also do not teach a that each profile further corresponds to a market segment and the default value corresponds to a market segment norm; however, these aforementioned features are well known in the art as evidenced by Traversat (Col. 8, Ln. 65-Col. 9, Ln. 1-14). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the method of Williams in view of Kamiya with the aforementioned features taught in Traversat with the motivation of having a reference from a computer's identifier to the appropriate profile entry, as recited in Traversat (Col. 8, Ln. 60-64).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 6-9 and 12-17 have been considered but are moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

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Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,


Vivek Koppikar

1/24/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER